

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th Day of May 1998

BEFORE

THE HON'BLE MR. JUSTICE C.N. ASHWATHANARAYANA RAO

C.R.P. No. 1795/1997

BETWEEN:

1. Sri. H.J. Sanghvi,  
s/o Sri Jasraj.
2. Smt. Poornima Sanghvi,  
w/o Sri. H.J. Sanghvi.

Both are r/a.  
No.70, Ambica Cloth,  
Market, III Floor,  
D.K. Lane, Chickpet,  
Cross, Bangalore-53.

3. Sri Kantilal Rikab Chand,  
aged about 48 years.
4. Smt. Vimala Bai,  
w/o Sri. Kantilal Rikab Chand.

Both are r/a.  
No.8, Siddaganga  
Mansion, II Floor,  
Kalasipalyam New Extension,  
Bangalore-02.

...PETITIONERS

(By Sri. M.K. Bhaskaraiah, Adv.)

AND:

1. Smt. Manjula Bai,  
w/o Sri. P. Jagadish.
2. Smt. G. Vasantha,  
w/o Sri. Subramanya.

Both are r/a.  
No.177/1, 4th Main,  
Road, 6th Cross,  
Chamarajpet, Bangalore-18.

...RESPONDENTS

(By Sri. C.V. Nagesh, Adv.)

This Civil Revision Petition is filed u/s.115 of CPC against the order dt. 27-08-96 passed in O.S.No.1096/96 on the file of the XVIII Addl. City Civil Judge, Bangalore, allowing the memo filed u/s.151 of CPC directed to deposit the amount towards the agreement of sale.

This Civil Revision Petition coming on for admission this day, the Court made the following:-

O R D E R

Though this matter has come up for hearing on the question of admission, since I find that it can be finally disposed of at this stage itself, I have heard the learned Counsel for the parties.

2. In a specific performance suit filed by the respondents-plaintiffs, by the impugned order, at the instance of the defendants, the plaintiffs were called upon to deposit a sum of Rs.10 lakhs into the Court. The period of deposit was restricted to 3 months. The order was passed in order to enable the plaintiffs to show that they were ready and willing to perform their part of the contract. Subsequently, after the

period of 3 months was over, they have been permitted to withdraw the amount, deposited. Being aggrieved by this order, the defendants have filed this revision petition.

3. The question of depositing the balance of consideration comes in only at the time of the final decision of the suit, if it is found that the plaintiffs are entitled to a decree for specific performance. Therefore, the trial Court has rightly passed the orders impugned. There are no grounds to admit the revision petition. The revision petition is dismissed.

Sd/-  
JUDGE

cs/bnv/-